

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WELL-COM ASSOCIATES, L.P.,))
))
Plaintiff,))
))
v.)	Docket Number 05-10056-JLT
))
HONEYWELL INTERNATIONAL, INC.,))
))
Defendant.))
))

JOINT STATEMENT OF THE PARTIES

Pursuant to the Notice of Scheduling Conference dated May 27, 2005, Rule 16(b) of the Federal Rules of Civil Procedure and Local Rule 16.1(D), counsel for the plaintiff, Well-Com Associates, L.P. (“Well-Com”), and counsel for the defendant, Honeywell International, Inc. (“Honeywell”), have conferred and submit the following:

I. PROPOSED AGENDA OF MATTERS TO BE DISCUSSED AT SCHEDULING CONFERENCE.

1. Establishment of pretrial schedule, including discovery, motions and case management conference.
2. Settlement / potential use of alternative dispute resolution

II. PROPOSED PRETRIAL SCHEDULE.

1. All Motions under Fed. R. Civ. P. 12 filed	July 19, 2005
2. Deadline for service of <u>first</u> requests for production of documents and tangible things pursuant to Fed. R. Civ. P. 34 and interrogatories pursuant to Fed. R. Civ. P. 33	July 29, 2005
3. Deadline for service of responses to <u>first</u> requests for production of documents and tangible things pursuant to Fed. R. Civ. P. 34 and interrogatories pursuant to Fed. R.	September 15, 2005

Civ. P. 33

4. Conference under Rule 37.1 (if necessary)	September 30, 2005 at 10:00 a.m.
5. Deadlines for filing motions to compel discovery concerning first written discovery requests	October 15, 2005
6. All Motions under Fed. R. Civ. P. 19 and 20 filed	December 1, 2005
7. Settlement conference with the Court and principals for all parties	December, 2005
8. Completion of party and fact witness depositions	January 31, 2006
9. Deadline for plaintiff's expert disclosures	February 28, 2006
10. Deadline for defendants' expert disclosures	March 31, 2006
11. Completion of trial expert depositions	April 30, 2006
12. Deadline to file any discovery motions	May 15, 2006
13. Deadline to file summary judgment motions	June 30, 2006
14. Oppositions to summary judgment motions due	July 30, 2006
15. Replies to oppositions to summary judgment motions due	August 15, 2006
16. Final supplementation of discovery responses and disclosures	Ten days before final pre-trial conference
17. Final pre-trial conference	45 days after decision on motions for summary judgment.
18. Trial	To be scheduled by the Court

The parties currently believe that they will be able to conduct the above-specified discovery and motion practice within the time periods set forth above, but the parties reserve the right to request a modification to the scheduling order by motion or joint motion.

III. TRIAL BY MAGISTRATE

Well-Com consents to trial by magistrate judge.

Honeywell does not consent to trial by magistrate judge.

IV. CERTIFICATIONS

The parties' certifications pursuant to Local Rule 16.1(D)(3), are attached hereto.

WELL-COM ASSOCIATES, L.P.

By their attorneys,

HONEYWELL INTERNATIONAL, INC.

By its attorneys,

/s/ A. Neil Hartzell

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